



UNITED
CEREBRAL
PALSY
ASSOCIATIONS

Advancing the independence of people with disabilities

May 16, 1996

**Office of the Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554**

**cc: Janice Myles
Common Carrier Bureau
1919 M Street NW, Room 544
Washington, DC 20554**

DOCKET FILE COPY ORIGINAL

**In the Matter of a Proposed Rulemaking for Local Competition Provisions
in regard to the Telecommunications Act of 1996, CC Docket No. 96-45**

Enclosed please find an original and five copies of United Cerebral Palsy Associations (UCPA) Comments in this matter.

Thank you.

Jenifer Simpson
Community Services Division

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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC**

**In the Matter of
Implementation of the Local
Competition Provisions**

) **CC Docket No.**
) **96-98**
)

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UCPA's Comments on the Notice of Proposed Rulemaking Regarding Implementation of the Local Competition Provisions in the Telecommunications Act of 1996 With Respect to Section 251, 255 and 256 of the Act to Insure Inclusion of Access Issues by Persons With Disabilities

To the Commission:

United Cerebral Palsy Associations (UCPA) appreciates this opportunity to offer some preliminary Comments concerning FCC proceedings on Local Competition Provisions in the Telecommunications Act of 1996 as invited in the *Notice of Proposed Rulemaking on Local Competition Provisions* (*Federal Register*, April 25, 1996).

UCPA initiates this discussion to ensure rulemakings will address disability access needs for Local Competition as development of competitive markets continues and new providers enter the market. We are responding in particular to the issues raised in Paragraph 249 of the Proposed Rule.

UCPA is a national nonprofit membership association of 156 affiliates in 44 states that delivers in excess of \$400 million in services annually to individuals with disabilities and their families, including many persons with cerebral palsy and similar developmental disabilities. Significantly, two-thirds of individuals with cerebral palsy experience speech disabilities, typically with little or no clear speech. UCPA members are very familiar with the difficulties encountered by persons with speech disabilities as they attempt to utilize existing voice-based telephony and telecommunications services. We believe that the telecommunications industry, under the new regulatory regime of P.L. 104-104, must address issues affecting those with speech disability, in addition to other disabilities, in development and coordination of interconnection in Local Competition so that barriers to communication will not be created for persons with speech or other disabilities.

SUMMARY OF RECOMMENDATIONS BY UNITED CEREBRAL PALSY ASSOCIATIONS
(UCPA) IN THE MATTER OF IMPLEMENTATION OF THE LOCAL COMPETITION
PROVISIONS, DOCKET NO. 96-98, May 16, 1996

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UCPA urges and recommends the Commission to

- (1) **emphasize and highlight the link to Sec. 255 and 256 mandates in any and every rulemaking on interconnection;**
- (2) **broadly define network features, functions or capabilities as installed services;**
- (3) **specifically state that 'the Commission has the power to enforce both the standards developed in its Proceedings and those of The Access Board';**
- (4) **include mention that Section 207 protections are applicable to Section 256 provisions;**
- (5) **broadly interpret who will be among the range of telecommunications carriers and providers of telecommunications services.**

UCPA DETAILED RESPONSE TO PARAGRAPH 249 OF THE PROPOSED RULEMAKING

'Section 251 Interconnection' specifically states that telecommunications carriers must "*not install network features, functions or capabilities that do not comply with the guidelines and standards established pursuant to Sections 255 or 256*". While many network features, functions and capabilities are already known as part of telecommunications services provision, it is likely that additional features, functions and capabilities will emerge and be made available -- or installed -- by telecommunications carriers as new technology emerges, as older technologies converge and as new companies enter 'local competition'. For these reasons, **UCPA urges and recommends the Commission to (1) emphasize and highlight the link to Sec. 255 and 256 mandates in any and every rulemaking on interconnection and to (2) broadly define network features, functions or capabilities as installed services.**

Additionally, any rulemakings should specifically state that there are other separate proceedings underway by both the Commission and by the United States Architectural & Transportation Barriers Compliance Board ("The Access Board") as part of the Sec. 255 mandate. Rulemakings should reference the mandate found in Section 255 (e) of P.L. 104-104 and draw attention to the fact that the '***Access Board is required to review and update guidelines for standards periodically***' as this is not a fixed and one-time standards development activity and is intended to be an ongoing process conducted by The Access Board. UCPA's understanding is that proceedings of The Access Board are subject to public review through a hearings and consensus-making process that could permit positive synergies in standards development. **UCPA recommends that (3) the rulemaking should also specifically state that 'the Commission has the power to enforce both the standards developed in its Proceedings and those of The Access Board'.**

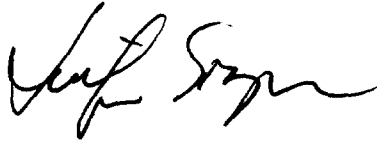
UCPA notes that Section 256 does not include a prohibition on a private right of action and thus this section's requirement for coordination for interconnectivity, as it addresses network capabilities and

services used by individuals with disabilities, is enforceable under existing Section 207 of the Act. **UCPA recommends that the Commission, in any rulemaking, (4) include mention that Section 207 protections are applicable to Section 256 provisions.**

Also, inasmuch as Telecommunications Carriers are defined as providers of telecommunications services, UCPA notes that the Act defines such services "... *[means] the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.*" **UCPA therefore recommends (5) the Commission to broadly interpret who be among the range of telecommunications carriers and providers of telecommunications services** as it is likely there will be new and hybrid carriers who will sell telecommunications services for a fee to the public using new and interesting facilities.

I would be happy to discuss these comments on behalf of UCPA.

Sincerely,

A handwritten signature in black ink, appearing to read "Jenifer Simpson", written in a cursive style.

Jenifer Simpson
Policy Associate
Community Services Division